

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 1, 2023

RAYMOND R. ABRAMSON, JUDGE:

[CV-20-744](#). Metropolitan Tower Life Insurance Company and MetLife Assignment Company, Inc. v. Roosevelt Land Partners Corp. and Donald Hill, from Clark County Circuit Court. Reversed and remanded. Gruber and Barrett, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-22-7](#). Casey Lynn Reynolds v. State of Arkansas, from White County Circuit Court. Affirmed. Harrison, C.J., and Thyer, J., agree.

[CV-21-509](#). Vincent Osric Johnson, Tammy Johnson, Trinia Surratt, Shayla Brently Moore, Stacy Rogers, Demarlon Bell, and Kenneth Johnson v. Sandra Johnson, from Jefferson County Circuit Court. Reversed and remanded. Hixson and Murphy, JJ., agree.

[CV-21-608](#). David A. Smith v. Bobbie J. Smith, from Craighead County Circuit Court, Western District. Affirmed. Hixson and Murphy, JJ., agree.

[E-22-46](#). Kason Jewell v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed in part; remanded in part. Hixson and Murphy, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-21-488](#). Macon Carter, Jr. v. State of Arkansas, from Phillips County Circuit Court. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-20-265](#). Donnell Bauer and Marilyn Bauer v. Jesse Lee Beamon, Jr., and Mary A. Beamon, Individually and as Trustees of the Jesse Lee Beamon, Jr. and Mary A. Beamon Family Trust Dated 13th October 2015; and the Jesse Lee Beamon Jr. and Mary A. Beamon Family Trust Dated 13th October 2015, from Crawford County Circuit Court. Reversed and dismissed on direct appeal; affirmed on cross-appeal. Abramson, Gladwin, and Murphy, JJ., agree. Hixson and Brown, JJ., dissent.

[CV-22-205](#). Fredye Long Alford and the Estate of Theresa Lee Carper, Deceased v. Dale Seiler and Ashlie Seiler, Individually and as Trustees of the Dale and Ashlie Seiler Family Trust; and Farm Credit Services of Western Arkansas, FLCA, from Lafayette County Circuit Court. Affirmed. Harrison, C.J., and Gladwin, J., agree.

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RITA W. GRUBER, JUDGE:

[CV-22-18](#). Mark Cogburn and Katelyn Cogburn v. William T. Marsh, Jr., from Montgomery County Circuit Court. Reversed and dismissed. Abramson and Barrett, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-22-444](#). John A. Roberts v. State of Arkansas, from Saline County Circuit Court. Affirmed; remanded to correct sentencing order. Abramson and Gruber, JJ., agree.

CINDY GRACE THYER, JUDGE:

[CV-21-32](#). Altice USA, Inc., d/b/a Suddenlink Communications v. Sandra Peterson, from Clark County Circuit Court. Reversed and remanded. Wood and Brown, JJ., agree.

[CV-21-33](#). Altice USA, Inc., d/b/a Suddenlink Communications v. Ronnie Francis and Debbie Francis, from Clark County Circuit Court. Reversed and remanded. Wood and Brown, JJ., agree.

[CV-22-189](#). Terry Gould v. Gayla Gould, from Fulton County Circuit Court. Affirmed; motion to dismiss appeal denied. Wood and Brown, JJ., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[CR-22-225](#). John Mitchell v. State of Arkansas, from Polk County Circuit Court. Reversed. Thyer and Brown, JJ., agree.

[CV-21-31](#). Altice USA, Inc., d/b/a Suddenlink Communications v. Tina Johnson, from Clark County Circuit Court. Reversed and remanded. Thyer and Brown, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CV-22-121](#). Progressive Eldercare Services-Columbia, Inc., d/b/a The Green House Cottages of Wentworth Place; Wentworth, LLC, d/b/a The Green House Cottages of Wentworth Place; T. Marquel (Kelly) Park, Administrator of The Green House Cottages of Wentworth Place; John Doe I; John Doe II; John Doe III; John Doe IV; and John Doe V v. Patricia Griffin, as Special Administrator of the Estate of Dossie Lee Williams, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Dossie Lee Williams, Deceased, from Columbia County Circuit Court. Affirmed. Virden and Murphy, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-21-503](#). April Johnson v. Bradley Johnson, from Pulaski County Circuit Court, Seventeenth Division. Remanded to supplement the record. Thyer and Wood, JJ., agree.

[CV-22-234](#). Altice USA, Inc., d/b/a Suddenlink Communications v. William Campbell, from Clark County Circuit Court. Reversed and remanded. Thyer and Wood, JJ., agree.

[CV-22-236](#). Altice USA, Inc., d/b/a Suddenlink Communications v. Pam and Jesse Runyan, Parents and Guardians of J.R. (an Incapacitated Person), from Clark County Circuit Court. Reversed and remanded. Thyer and Wood, JJ., agree.

PER CURIAM DECISIONS

The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).

E-22-41. Kevin Parks v. Director et al.

E-22-42. Clara Scott v. Director et al.

E-22-43. Blake McFall v. Director et al.

E-22-44. Blake McFall v. Director et al.

E-22-47. Ashley Moore v. Director et al.

E-22-48. Danny Wolaridge, Sr. v. Director et al.

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- E-22-49. Ella Hubbert v. Director et al.
- E-22-50. Rosemary Fritts v. Director et al.
- E-22-51. Kavan Kilgore v. Director et al.
- E-22-52. Kavan Kilgore v. Director et al.
- E-22-53. Clyde Smith, Jr. v. Director et al.
- E-22-54. Kavan Kilgore v. Director et al.
- E-22-55. Kavan Kilgore v. Director et al.
- E-22-56. Madison Ballew v. Director et al.
- E-22-59. Wendy Turbeville v. Director et al.
- E-22-60. David Henson v. Director et al.
- E-22-61. Sherrie Corbin v. Director et al.
- E-22-62. Stacey Conly v. Director et al.
- E-22-63. David O’Neill v. Director et al.
- E-22-64. Fredrick Jeffers v. Director et al.
- E-22-65. Bobby Upchurch v. Director et al.
- E-22-67. Roy Spann, Jr. v. Director et al.
- E-22-68. Michelle McClelland v. Director et al.

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PER CURIAM ORDERS

CR-21-577. Samuel Herrington v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees is granted. Allowed \$1000.00.

CR-22-146. Johnny Lee Nichols v. State of Arkansas, from Pope County Circuit Court. Joint motion to substitute counsel of record is granted. Viriden, J., not participating.

CR-22-147. Johnny Lee Nichols v. State of Arkansas, from Pope County Circuit Court. Joint motion to substitute counsel of record is granted. Viriden, J., not participating.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion asking court for “injunctions on medical nurse” is denied.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion to file “brief discrimination and retaliation” that does not conform to procedural rules is denied.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion to file “brief to add defendants” that does not conform to procedural rules is denied.

CR-22-317. Jonathan Justice v. State of Arkansas, from Johnson County Circuit Court. Motion of Samuel F. Eastman for award of attorney’s fees is granted. Allowed \$2160.00. Viriden, J., not participating.

CR-22-406. Todd Michael Winters v. State of Arkansas, from Bradley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$2250.00. Viriden, J., not participating.

CR-22-457. Lorenzo Valentino McCullough v. State of Arkansas, from Washington County Circuit Court. Appellant’s motion to extend deadline to supplement the record is moot.

CR-22-553. Gregory McCree v. State of Arkansas, from Drew County Circuit Court. Appellant’s pro se motion for appointment of counsel and to file a belated brief is denied. Abramson, J., not participating.

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CR-22-588. Corey Steward v. State of Arkansas, from Lincoln County Circuit Court. Appellant's pro se motion for extension of time to file reply brief is granted.

CR-22-809. Michael Shane Stoelting v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for extension of time to complete the record is granted.

CR-23-58. Sy Nathaniel Gunter v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees is granted. Allowed \$750.00.

CR-23-74. Robert Spackeen v. State of Arkansas, from Searcy County Circuit Court. Appellant's pro se motion for belated appeal is denied.

CR-23-97. Minor Child v. State of Arkansas, from Lincoln County Circuit Court. Appellant's petition for writ of certiorari to complete the record, or, in the alternative, motion to remand to settle the record is denied. Klappenbach, J., not participating.

CR-23-103. James Terry v. State of Arkansas, from Logan County Circuit Court, Southern District. Appellant's petition for leave to proceed in forma pauperis is granted.

[CV-22-515](#). Arkansas Blue Cross Blue Shield v. Freeway Surgery Center; Scott Schlesinger, M.D.; Fair Park Surgery Center; Centerview Surgery Center; South Arkansas Surgery Center; Advanced Ambulatory Surgery Center; Executive Park Surgery Center of Fort Smith; Gastroenterology and Surgery Center of Arkansas; Mountain Home Surgery Center; Harrison Surgery Center; Bozman-Hof Eye Center; Physicians Day a/k/a McFarland Eye Center; Spring Creek Surgery Center; Taylor Plastic Surgery; Surgery Center of Northeast Texas; Advanced Interventional Pain Management; Precision Surgical of Northwest Arkansas; Executive Surgery Center of Little Rock; Central Arkansas Surgery Center a/k/a Arkansas Spine and Pain; Arkansas Center For Surgical Excellence; and Alan McClain, Insurance Commissioner, from Pulaski County Circuit Court, Fifth Division. Monetary sanction purged. *See per curiam* this date. Gruber, J., not participating.

CV-22-603. Willis Hooks, Lessee v. State of Arkansas; City of Jonesboro; and Jeff Brown, Owner, from Craighead County Circuit Court, Western District. Appellant's motion to withdraw notice of appeal for lack of final judgment is treated as a motion to dismiss the appeal and is granted. Thyer, J., not participating.

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CV-22-648. Kimbra Dolan v. Lichtsinn Motors, Inc.; Winnebago Industries, Inc.; and Mercedes-Benz USA, LLC, from Pulaski County Circuit Court, Eleventh Division. Motion of separate appellee Mercedes-Benz USA, LLC, to dismiss appeal is passed until the case is submitted.

CV-23-49. Clay County Electric Cooperative Corporation; Woodruff Electric Cooperative Corporation; Rich Mountain Electric Cooperative, Inc.; Southwest Arkansas Electric Cooperative Corporation; South Central Arkansas Electric Cooperative, Inc.; and Petit Jean Electric Cooperative Corporation v. Arkansas Public Service Commission, from the Arkansas Public Service Commission. Appellee's motion to dismiss for lack of a final order and motion to stay filing of complete record is granted. Appeal dismissed.

CV-23-53. Gary N. Yarbrough, Jr., and Angela R. Yarbrough v. Mark Mackie and Amber Mackie; and Heritage Title and Closing Company, from Johnson County Circuit Court. Pro se petition of Gary N. Yarbrough, Jr., for extension of time to file certified copy of the record is denied.

CV-23-53. Gary N. Yarbrough, Jr., and Angela R. Yarbrough v. Mark Mackie and Amber Mackie; and Heritage Title and Closing Company, from Johnson County Circuit Court. Pro se petition of Angela R. Yarbrough for extension of time to file certified copy of the record is denied.

CV-23-66. Caroline Lasiter v. Newland & Associates, PLLC, as Trustee of the Michael Allen Lasiter Revocable Trust and as Trustee of the MAL Irrevocable Insurance Trust, from Pulaski County Circuit Court, Fifth Division. Appellant's petition for writ of certiorari to complete the record on appeal is granted. The circuit court is directed to ensure that a court reporter besides Ms. Neva Warford completes the record. To that end, the circuit court may contact the Administrative Office of the Courts to employ a substitute court reporter to complete the record. Gruber, J., not participating.

E-22-597. Cheryl Pillow v. Director et al., from the Arkansas Board of Review. Appellee's motion to dismiss appeal is granted. Harrison, C.J., and Virden, Barrett, Hixson, and Murphy, JJ., would deny.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CV-20-509. The AGRED Foundation v. Friends of Lake Erling Association, from Lafayette County Circuit Court.

CR-22-116. Devonta McDonald v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees.

CR-22-224. Donald Thatcher v. State of Arkansas, from Benton County Circuit Court. Appellee’s motion to file substituted brief.

CR-22-226. Thelma Williams, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion to file nonconforming brief “kidnapping in prison, violations of speedy trial, and evidence tamper.”

CR-22-746. Rolando Cuevas-Flores v. State of Arkansas, from Benton County Circuit Court. Appellant’s motion to extend deadline to complete the record.

CR-22-777. Brendean Burns v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant’s petition for writ of certiorari to complete the record, or, in the alternative, motion to remand to settle the record.

CR-22-803. Kinslow Young v. State of Arkansas, from St. Francis County Circuit Court. Appellant’s petition for writ of certiorari to complete the record.

CR-23-110. Lorenzo Harrison v. State of Arkansas, from St. Francis County Circuit Court. Appellant’s pro se motion for rule on clerk.

CR-23-113. Angela Downing v. State of Arkansas, from Conway County Circuit Court. Appellant’s petition to proceed in forma pauperis.

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MOTIONS SUBMITTED

CV-20-692. El Dorado Ammonia, LLC; and El Dorado Chemical Company v. Global Industrial, Inc., d/b/a Global Turnaround; Leidos Constructors, LLC; Leidos Engineering, LLC; and Leidos, Inc., from Union County Circuit Court. Motion of separate appellees Leidos Constructors, LLC; Leidos Engineering, LLC; and Leidos, Inc., to withdraw John F. Peiserich, Kimberly D. Logue, and Jessica H. Fontenot as counsel.

CV-22-679. Christina Marziale and Dana McClain v. Kimberly Brown, Special Administrator for the Estate of Tenisha Brown, in Her Individual Capacity, from Jefferson County Circuit Court. Appellants' motion to dismiss appeal without prejudice.

E-22-683. Fallon Looney v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add evidence.

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CASES SUBMITTED

CR-22-383. Dustin Lee Foster v. State of Arkansas, from Crawford County Circuit Court.

CR-22-489. Keonni Moehgenit Conway v. State of Arkansas, from Faulkner County Circuit Court.

CR-22-505. Larry Wilson Crain v. State of Arkansas, from Bradley County Circuit Court.

CR-22-539. Robert Lee Thurmon v. State of Arkansas, from Union County Circuit Court.

CV-21-354. Anna Knesek v. Larry Knesek, from Crawford County Circuit Court.

CV-21-412. Tracy Wilson v. Jeffrey Wilson, from Benton County Circuit Court.

CV-22-97. Harvest Construction General Contracting, Inc.; Matthew T. Mabe; and Laura Mabe v. Latco Construction, Inc., from Washington County Circuit Court.

CV-22-106. Madiha Shahid v. Asif Masood, from Pulaski County Circuit Court, Fourteenth Division.

CV-22-115. SNC Revocable Trust v. Gerardo R. Galdamez and Amy B. Galdamez, Husband and Wife, from Cleburne County Circuit Court.

CV-22-166. John Wesley Hall, Jr., and Alison Hall, Husband and Wife v. Arkansas State Highway Commission, from Cleburne County Circuit Court.

CV-22-191. Faulkner-Progressive Eldercare Services, Inc., d/b/a Conway Healthcare and Rehabilitation Center; Progressive Eldercare Services, Inc.; Kathern Fisher, in Her Capacity as Administrator of Conway Healthcare and Rehabilitation Center; OHI Asset (AR) Conway, LLC; and Masterten, LLC v. Stephen Carson, as Special Administrator of the Estate of Robert Henry Carson, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Robert Henry Carson, from Faulkner County Circuit Court.

CV-22-201. Anna Knesek v. Larry Knesek, from Crawford County Circuit Court.

The following cases are appeals from the Arkansas Board of Review.

E-22-69. Joey Carter v. Director et al.

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CASES SUBMITTED

- E-22-70. Kiara Terry v. Director et al.
- E-22-72. Kevin Kennard v. Director et al.
- E-22-73. Mark Sparks v. Director et al.
- E-22-74. Kevin McArtor v. Director et al.
- E-22-75. Anthony Collins v. Director et al.
- E-22-76. Leslie McGough v. Director et al.
- E-22-77. Leslie McGough v. Director et al.
- E-22-78. LeShan Sanders v. Director et al.
- E-22-79. Fred Rolfe v. Director et al.
- E-22-80. Chad Hobbs v. Director et al.
- E-22-82. Kizzie McDowell v. Director et al.
- E-22-83. Charles Tyson v. Director et.al.
- E-22-84. Russell Henderson III v. Director et al.
- E-22-85. Jeremy Gregory v. Director et al.
- E-22-86. Amanda Keathley v. Director et al.
- E-22-87. Amanda Keathley v. Director et al.
- E-22-88. Shane Littleton v. Director et al.
- E-22-89. Robert Smith v. Director et al.
- E-22-90. William Edwards v. Director et al.

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CASES SUBMITTED

E-22-91. P.J. Hamill v. Director et al.

E-22-92. Lori Donnor v. Director et al.

E-22-93. Alice Ross v. Director et al.

E-22-94. Debra Allman v. Director et al.